(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 1023 OF 2003

BETWEEN

Suraj Kumar Pandey, aged about 32 years, S/o Shri Indramani Sharma, Clerk, Zila Sahakari Kendriya Bank Maryadit, Bilaspur (CG), Resident of Bilaspur, Tehsil and District Bilaspur .

PETITIONER

A N D

1. Joint Registrar,
Sahakari Sansthayen , Chhattisgarh,
Raipur (CG).

2. The Deputy Registrar,
Sahakari Sansthayen, Bilaspur (CG).

3. Zila Sahakari Kendriya Bank Maryadit, Bilaspur
Through its Chairman .

4. The General Manager/Chief Executive Officer,
Zila Sahakari Kendriya Bank Maryadit,
Head Office, Bilaspur (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

1 [illegible]

Regn. No. 2833/03
Presented by shri Samadeep Sinha
dated 25/03/03
FREE COPY.
25/3/03
SENT TO A.G. BILASPUR

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1023 of 2003

Petitioner: Suraj Kumar Pandey

Versus

Respondents: Joint Registrar & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Rakesh Mohan Pandey, Advocate for the petitioner.

Shri Pankaj Shrivastava, Panel lawyer for the Respondents No.1 and 2.

Shri S. L. Kurmi, Advocate for the Respondents No. 3 and 4.

ORAL ORDER

(14th February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The present petition filed under Article 226/227 of the Constitution of India seeks a direction against the Respondents No. 3 and 4 to comply with the order dated 27.3.1998 (Annexure P/8) passed by the Respondent No.2. The Respondents No. 3 and 4 being aggrieved by the order dated 27.3.1998, filed a revision before the Respondent No.1 which was dismissed vide order dated 12.6.2002 (Annexure P/11).

2. Learned counsel, appearing for the Respondents No. 3 and 4, submits that the Respondents No. 3 and 4 have already filed a revision before the Cooperative Tribunal at Bhopal on 16th July, 2002 (Annexure R/11). Thereafter under Section 78 of the Chhattisgarh Cooperative Society (Amendment) Adhiniyam, 2003 the power of revision against the order of the Joint Registrar has

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been vested in the State Government of Chhattisgarh or the Registrar, Cooperative Societies, Chhattisgarh. Learned counsel further submits that the petitioner has already participated in the proceedings before the Cooperative Tribunal at Bhopal as he has filed a caveat before the Tribunal. It appears that the revision pending before the Cooperative Tribunal at Bhopal has been transferred to the Registrar, Cooperative Societies, Chhattisgarh at Raipur.

3. The petitioner has deliberately concealed the above stated facts that the revision has been filed against the order of the Joint Registrar. The petitioner has filed this petition seeking compliance of the order dated 27.3.1998 passed by the Deputy Registrar, Cooperative Societies, Bilaspur which was affirmed by the Joint Registrar vide order dated 12th June, 2002.

4. The petitioner has not come with clean hands before this Court. Even otherwise this petition is not maintainable when the alternative remedy, available has been exercised by the other side, impugning the order of the Deputy Registrar, which was confirmed by the Joint Registrar.

5. For the reasons stated above this petition is dismissed with cost, quantified to be Rs. 3000/-.

Sd/-
Satish K. Agnihotri
Judge

Thakur